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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,334	02/23/2004	Enrique Travieso	074869-0014	8709

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MCDERMOTT WILL & EMERY LLP  
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WASHINGTON, DC 20005-3096

EXAMINER
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VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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10/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/784,334

**Applicant(s)**

TRAVIESO ET AL.

**Examiner**

Gregory J. Vaughn

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 49-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Action Background***

1. This action is responsive to the amendment filed on 7/10/2007.
2. Claims 49, 60, 61, 62, 64, 68, 70, 74 and 78 were amended, and new claims 83-85 were added.
3. Claims 49-85 are pending in the case, claims 49, 60, 61, 70, 74 and 83-85 are independent claims.
4. The examiner's rejection of claims 52, 75-77, 78 and 80-82, made under 35 USC 112, as failing to comply with the written description requirement, as described in the previous office action (dated 5/7/2007) is withdrawn in view of the amended claims and applicant's remarks.
5. The examiner's rejection of claims 61-69, made under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, as described in the previous office action (dated 5/7/2007) is withdrawn in view of the amended claims.

### ***Priority***

6. As previously noted, applicant's claim for domestic priority of US provisional application 60/449,571 filed 2/21/2003, under 35 U.S.C. 119(e) is acknowledged.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."*

8. Claims 49-85 are rejected under 35 U.S.C. 102(e) as being anticipated by Lakritz US Patent 6,526,426, filed 1/28/1999, patented 2/25/2003 (hereinafter Lakritz).

9. **Regarding independent claim 49**, Lakritz is directed toward a language translation management system that provides: *"an intuitive user interface for managing document content translation for multilingual Internet Web sites, documents, data streams, and non-text files"* (column 3, lines 18-20). Lakritz discloses accessing content in a first language, including content having markup tags. Lakritz recites: *"This allows the Web Server 503 to control the locale-independent templates 504, language-specific elements 505, country-specific elements 506, and static HTML content 507"* (column 7, lines 9-12). As is well known in the art, HTML content is marked with tags. Lakritz

discloses parsing the content into components. Lakritz recites: "*The parser converts the document into the internal format*" (column 10, lines 14-15). See also Lakritz's Figures 9 and 10, where the workflow pipeline is disclosed. The parser is disclosed at reference sign 903, where translatable components are routed to the translation resource. The translatable components are shown as "*Work Packet*" in Figure 10. Lakritz discloses generating statistics based on the translatable components at reference sign 1005, shown as "*Update work packet's status and control information*".

10. **Regarding claim 50**, the claim is directed toward using the statistics to size the content for language translation. The originally filed specification further defines sizing as: "*the present invention preserves the formatting of the original web site, including when a translation is of a larger size or length than the original text. This is beneficial as it allows for the preservation of the look and feel of the original web site, thereby allowing users to maintain familiarity with the corresponding web site in another language*" (paragraph 15). Lakritz discloses this feature. Lakritz recites: "*The Visitor module greatly enhances the multilingual Web site visitor's experience by providing an automated and seamless way to serve content in the correct language. Web site publishers can serve all their multilingual content through a single point of entry using the Visitor module. Web site visitors will immediately understand the information they see when they enter a site because it will be instantly presented in their language and for their country*" (column 3, lines 53-60).

11. **Regarding claim 51**, Lakritz discloses human translation. Lakritz recites:  
*"These translation resources include both automated translation tools as well as human translators"* (column 2, lines 34-36).
12. **Regarding claim 52**, Lakritz discloses placing translatable components into a translation list in Figure 6 at reference signs 602 and 604 (shown as a *"Translation Queues"* and *"Workflow Pipeline"*).
13. **Regarding claim 53**, Lakritz discloses at least two different languages, where the languages are at least English or French in Figure 12 at reference signs 1210 and 1211.
14. **Regarding claim 54**, Lakritz discloses accessing web content in a first language from a source in a first language. Lakritz recites: *"When a document is requested in a particular language, WebPlexer will go to that cell of the matrix and try to retrieve the corresponding document"* (column 36, lines 28-30) and *"This application integrates a machine translator in the end user's Web browser"* (column 1, lines 24-25).
15. **Regarding claim 55**, Lakritz discloses the components as at least a text segment. Lakritz recites: *"The invention utilizes an intuitive user interface for managing document translation for multilingual Internet Web sites, documents, data streams, and non-text files"* (column 2, lines 12-14).
16. **Regarding claim 56**, Lakritz discloses generating a unique identifier for each of the components. Lakritz recites: *"The master language is used to*

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*index into the TermDB using a key. The key is obtained from the string contained between <!--WReplaceBegin --> and <!--WReplaceEnd -->. <tags>* (column 27, lines 13-15). As is well known in the database art, indexes and keys are used as unique identifiers within a database. Lakritz discloses storing the component and the unique identifier together. Lakritz recites: *"The Web server stores all of the translated Web pages locally"* (column 1, lines 32-33).

17. **Regarding claim 57**, Lakritz discloses the use of mathematical algorithm for generating a unique identifier. As described above Lakritz discloses the use of indexes and keys. Indexes are implemented with a scalar value where an offset amount is used to identify subsequent indices. An offset amount used with a scalar value is a mathematical algorithm.
18. **Regarding claim 58**, Lakritz discloses the statistics as at least a text segment count as described above.
19. **Regarding claim 59**, Lakritz discloses parsing as described above. It is well known in the markup language arts that parsing is based upon the markup language tags.
20. **Regarding claims 60-74 and 79**, the claims are directed to a method, system and medium for the method of claims 49-59, and are rejected using the same rationale.

21. **Regarding claims 75-77**, Lakritz discloses the use of tracking information. Lakritz recites: "It would further be advantageous to provide a translation management system that allows the user to easily manage, schedule, and track translation resources and the content that are sent to the translation resources, thereby enhancing the maintainability of the system as a whole" (column 2, lines 3-9). Lakritz discloses using state and session information. Lakritz recites: *"In the following description, the term "session" refers to a logical grouping of requests between browser and WebPlexer. A session begins with the browser making a request for the top-level URL. It ends with the final response being sent from WebPlexer to the browser. A session can have any number of request/response pairs between these two endpoints. A session has a state associated with it. Included in this state are the country and language of the requester"* (column 22, lines 44-53).
22. **Regarding claim 78**, Lakritz discloses using an HTML form. Lakritz recites: *"The Visitor module intercepts input text that is submitted using an HTML form (e.g., a customer feedback form), and writes it into a form database 205"* (column 4, lines 12-14).
23. **Regarding claims 80-82**, Lakritz discloses processing image files. Lakritz recites: *"Another application of MLSSI is to include language-specific graphics or image maps within a template file"* (column 39, lines 20-21).



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24. **Regarding independent claims 83-85**, the claims are directed toward a method, system and machine-readable medium for the method of claims 49 and 50 combined, and are rejected using the same rationale.

### ***Response to Arguments***

25. Applicant's arguments filed 7/10/2007 have been fully considered but they are not persuasive.
26. Regarding independent claims 49, 60, 61, 70, 74, 83, 84 and 85, applicant argues that Lakritz fails to disclose: *"accessing content in a first language, including content having markup tags"* (page 13, second paragraph of the response filed 7/10/2007). Applicant is directed to the rejection of claim 49, as described above. Lakritz discloses accessing content in a first language, including content having markup tags. Lakritz recites: *"This allows the Web Server 503 to control the locale-independent templates 504, language-specific elements 505, country-specific elements 506, and static HTML content 507"* (column 7, lines 9-12).
27. Also regarding independent claims 49, 60, 61, 70, 74, 83, 84 and 85, applicant argues that Lakritz fails to disclose: *"statistics based on one or more translatable components"* (page 13, third paragraph to page 14 first paragraph of the response filed 7/10/2007). Applicant is directed to the rejection of claim 49, as described above. See Figures 9 and 10, where the

workflow pipeline is disclosed. The translatable components are shown as *"Work Packet"* in Figure 10. Lakritz discloses generating statistics based on the translatable components at reference sign 1005, shown as *"Update work packet's status and control information"*.

28. Also regarding independent 83, 84 and 85, applicant argues that Lakritz fails to disclose: *"measure the size the content for language translation"* (page 14 second paragraph of the response filed 7/10/2007). Applicant is directed to the rejection of claim 50, as described above. The examiner has turned to the specification to determine the scope of *"size the content for language translation"*. The originally filed specification further defines sizing as: *"the present invention preserves the formatting of the original web site, including when a translation is of a larger size or length that the original text. This is beneficial as it allows for the preservation of the look and feel of the original web site, thereby allowing users to maintain familiarity with the corresponding web site in another language"* (paragraph 15). Lakritz discloses this feature. Lakritz recites: *"The Visitor module greatly enhances the multilingual Web site visitor's experience by providing an automated and seamless way to serve content in the correct language. Web site publishers can serve all their multilingual content through a single point of entry using the Visitor module. Web site visitors will immediately understand the information they see when they enter a site because it will be instantly presented in their language and for their country"* (column 3, lines 53-60).

***Conclusion***

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

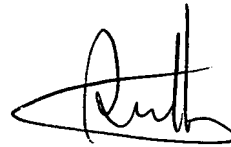
30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gregory J. Vaughn  
Patent Examiner  
September 24, 2007



STEPHEN HONG  
SUPERVISORY PATENT EXAMINER